

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KNAUF FIBER GLASS GMBH,

Plaintiff,

v.

REFRACTORY AND INSULATION SUPPLY CORP.  
d/b/a RISCO,

Defendant.

CIVIL ACTION

NO.

99cv-5741

COMPLAINT

Knauf Fiber Glass GMBH ("Knauf"), by and through its attorneys, Adelman Lavine Gold and Levin, a Professional Corporation, hereby files this Complaint against Refractory and Insulation Supply Corp. d/b/a RISCO ("RISCO"), and in support thereof avers as follows:

The Parties, Jurisdiction and Venue

1. Plaintiff Knauf is a German corporation with its principal place of business located at 1 Knauf Drive, Shelbyville, Indiana 46176.
2. Upon information and belief, Defendant is a Pennsylvania corporation with its principal place of business located at 7900 Radcliffe Street, Building 101A, Bristol, Pennsylvania 19007.
3. Upon information and belief, as of the date this Complaint was filed, Plaintiff and Defendant are citizens of different states.
4. The amount in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00.
5. This Court has jurisdiction over this proceeding pursuant to the provisions of 28 U.S.C. §1332.

6. Venue is proper in this Court pursuant to 28 U.S.C. §1391(a).

**COUNT I**  
**BREACH OF CONTRACT**

7. The allegations set forth in paragraphs 1 through 6, above are incorporated herein by reference as though the same were set forth at length herein.

8. At all times relevant hereto, Plaintiff engaged in the business of, *inter alia*, manufacturing and selling insulation products.

9. At all times relevant hereto, Defendant was in the business of installing and supplying insulation-related products and services.

10. At various times, Defendant ordered merchandise from Plaintiff, which merchandise was sold and delivered by Plaintiff to Defendant whereby Defendant agreed and promised to pay Plaintiff for said merchandise within sixty (60) days from the date of shipment of said merchandise at the prices and under the terms agreed upon.

11. Defendant accepted said goods and merchandise at the prices and under the terms agreed upon.

12. As of October 23, 1999, Defendant owes Plaintiff for merchandise sold and delivered on various dates, which dates are more than sixty (60) days from the date said merchandise was shipped to Defendant, as indicated on the attached Accounts Receivable Aging Report, which report is attached hereto as Exhibit "A", and incorporated herein by reference, in the amount of \$581,915.00 (the "Past Due Accounts Receivable"), together with interest and costs.

13. Demand has been made upon Defendant for payment of the Past Due Accounts Receivable, but despite such demand, Defendant has failed and refused to make payment.

**WHEREFORE**, Plaintiff, Knauf Fiber Glass GMBH, requests that the entry of judgment in its favor and against Defendant, Refractory and Insulation Supply Corp. d/b/a RISCO, in the

amount of Past Due Accounts Receivable (due and owing at the time of entry of judgment), together with interest, costs and such other and further relief as the Court deems just and proper.

**COUNT II**  
**UNJUST ENRICHMENT**

16. The allegations set forth in paragraphs 1 through 15, above are incorporated herein by reference as though the same were set forth at length herein.

17. By virtue of Defendant's appropriation of Plaintiff's goods and merchandise without paying for same, Defendant has received the full benefit from said goods and merchandise.

18. The Defendant has been unjustly enriched, and the Plaintiff has suffered commensurate harm, in the amount of the Past Due Accounts Receivable, together with interest and costs.

WHEREFORE, Plaintiff, Knauf Fiber Glass GMBH, requests that the entry of judgment in its favor and against Defendant, Refractory and Insulation Supply Corp. d/b/a RISCO, in the amount of Past Due Accounts Receivable (due and owing at the time of entry of judgment), together with interest, costs and such other and further relief as the Court deems just and proper.

Respectfully submitted,

ADELMAN LAVINE GOLD AND LEVIN  
A Professional Corporation

By: 

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Attorneys for Plaintiff,  
Knauf Fiber Glass GMBH

Date: 11/17/99

## **Exhibit "A"**

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## Accounts Receivable Aging Report

Selecting Customers: = 003174  
 Aging Type: DFLT Aged On: Due Date Using Open Items Only Not Using Closing Transactions

TypeReference No	TrmsDate	Due Date	As Of: 10/26/1999	Original Amount	Total Balance	Curr Amount	1-30	31-60	61-90	91+
							10/25/1999	09/25/1999	08/26/1999	07/27/1999
03174	RISCO									
3348770	5/5/1998	7/4/1998		2000.70	2,000.70					2,000.70
3605973	11/20/1998	1/19/1999		-388.38	(388.38)					(388.38)
3721770	2/12/1999	4/13/1999		13763.05	13,763.05					13,763.05
3722820	2/12/1999	4/13/1999		3216.20	3,216.20					3,216.20
3721130	2/14/1999	4/15/1999		12323.35	12,323.35					12,323.35
3732200	2/19/1999	4/20/1999		2409.13	2,409.13					2,409.13
3732040	2/20/1999	4/21/1999		3971.76	3,971.76					3,971.76
3732010	2/20/1999	4/21/1999		8702.88	8,702.88					8,702.88
3734630	2/23/1999	4/24/1999		4017.42	4,017.42					4,017.42
3734640	2/23/1999	4/24/1999		5896.67	5,896.67					5,896.67
3740590	2/26/1999	4/27/1999		9501.47	9,501.47					9,501.47
3740650	2/26/1999	4/27/1999		8240.84	8,240.84					8,240.84
3740600	2/26/1999	4/27/1999		4792.91	4,792.91					4,792.91
SC0299	2/28/1999	2/28/1999		3152.47	3,152.47					3,152.47
3743260	3/2/1999	5/1/1999		15641.64	15,641.64					15,641.64
3748580	3/4/1999	5/3/1999		3802.52	3,802.52					3,802.52
3748560	3/4/1999	5/3/1999		3221.28	3,221.28					3,221.28
3754490	3/10/1999	5/9/1999		2177.69	2,177.69					2,177.69
3753180	3/10/1999	5/9/1999		15928.94	15,928.94					15,928.94
3734642	3/10/1999	5/9/1999		833.76	833.76					833.76
3756190	3/12/1999	5/11/1999		8857.13	8,857.13					8,857.13
3756380	3/12/1999	5/11/1999		7464.21	7,464.21					7,464.21
3764960	3/18/1999	5/17/1999		9618.37	9,618.37					9,618.37
3766480	3/19/1999	5/18/1999		2218.57	2,218.57					2,218.57
3766150	3/19/1999	5/18/1999		1978.80	1,978.80					1,978.80
3768500	3/21/1999	5/20/1999		9533.63	9,533.63					9,533.63
3770460	3/23/1999	5/22/1999		14846.06	14,846.06					14,846.06
3751610	3/25/1999	5/24/1999		835.64	835.64					835.64
3777250	3/26/1999	5/25/1999		3106.81	3,106.81					3,106.81
3776730	3/27/1999	5/26/1999		6742.76	6,742.76					6,742.76
3776690	3/27/1999	5/26/1999		10075.57	10,075.57					10,075.57
3772150	3/29/1999	5/28/1999		13282.92	13,282.92					13,282.92
SC0399	3/31/1999	3/31/1999		3373.05	3,373.05					3,373.05
3783790	4/3/1999	6/2/1999		14732.16	14,732.16					14,732.16
3788690	4/6/1999	6/5/1999		3419.10	3,419.10					3,419.10
3790400	4/7/1999	6/6/1999		3086.93	3,086.93					3,086.93
3792130	4/8/1999	6/7/1999		402.22	402.22					402.22
3793010	4/12/1999	6/11/1999		4793.26	4,793.26					4,793.26
3792950	4/12/1999	6/11/1999		7117.09	7,117.09					7,117.09
3804450	4/16/1999	6/15/1999		4982.59	4,982.59					4,982.59
3804470	4/16/1999	6/15/1999		8357.40	8,357.40					8,357.40
3805250	4/19/1999	6/18/1999		2991.23	2,991.23					2,991.23
3800560	4/19/1999	6/18/1999		7326.45	7,326.45					7,326.45
3804452	4/21/1999	6/20/1999		-149.48	(149.48)					(149.48)
3792952	4/21/1999	6/20/1999		-213.51	(213.51)					(213.51)
3804472	4/21/1999	6/20/1999		-220.19	(220.19)					(220.19)
3783792	4/21/1999	6/20/1999		-408.86	(408.86)					(408.86)
3800562	4/21/1999	6/20/1999		-226.51	(226.51)					(226.51)
3811610	4/22/1999	6/21/1999		1465.56	1,465.56					1,465.56
3812510	4/26/1999	6/25/1999		14639.48	14,639.48					14,639.48
3802400	4/26/1999	6/25/1999		10493.18	10,493.18					10,493.18
3818620	4/28/1999	6/27/1999		8102.55	8,102.55					8,102.55
3818610	4/28/1999	6/27/1999		9002.23	9,002.23					9,002.23
3819990	4/29/1999	6/28/1999		1868.50	1,868.50					1,868.50
3819900	4/29/1999	6/28/1999		97.95	97.95					97.95
SC0499	4/30/1999	4/30/1999		3261.75	3,261.75					3,261.75
3825980	5/5/1999	7/4/1999		4477.15	4,477.15					4,477.15
3825970	5/5/1999	7/4/1999		2237.37	2,237.37					2,237.37

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## Accounts Receivable Aging Report

Selecting Customers: = 003174  
 Aging Type: DFLT Aged On: Due Date Using Open Items Only Not Using Closing Transactions

TypeReference No	TrnsDate	Due Date	Original Amount	Total Balance	Curr Amount	1-30	31-60	61-90	91+
						10/25/1999	09/25/1999	08/26/1999	07/27/1999
03174	RISCO								7,513.38
3825860	5/7/1999	7/6/1999	7513.38	7,513.38					3,843.98
3825850	5/7/1999	7/6/1999	3843.98	3,843.98					5,803.74
3832060	5/11/1999	7/10/1999	5803.74	5,803.74					6,261.85
3822670	5/11/1999	7/10/1999	6261.85	6,261.85					12,397.60
3830210	5/11/1999	7/10/1999	12397.60	12,397.60					4,529.94
3833820	5/12/1999	7/11/1999	4529.94	4,529.94					4,386.53
3833790	5/12/1999	7/11/1999	4386.53	4,386.53					1,985.13
3836160	5/14/1999	7/13/1999	1985.13	1,985.13					11,978.31
3840930	5/15/1999	7/14/1999	11978.31	11,978.31					3,807.52
3842960	5/22/1999	7/21/1999	3807.52	3,807.52					6,238.23
3842930	5/22/1999	7/21/1999	6238.23	6,238.23					7,621.06
3854070	5/26/1999	7/25/1999	7621.06	7,621.06					7,932.64
3854060	5/26/1999	7/25/1999	7932.64	7,932.64					2,950.32
3854960	5/28/1999	7/27/1999	2950.32	2,950.32					3,893.41
SC0599	5/31/1999	5/31/1999	3893.41	3,893.41				12,409.41	
3864630	6/5/1999	8/4/1999	12409.41	12,409.41				8,643.22	
3867170	6/6/1999	8/5/1999	8643.22	8,643.22				5,699.01	
3867140	6/6/1999	8/5/1999	5699.01	5,699.01				1,415.09	
3874240	6/10/1999	8/9/1999	1415.09	1,415.09				3,109.90	
3871280	6/10/1999	8/9/1999	3109.90	3,109.90				347.82	
3865070	6/10/1999	8/9/1999	347.82	347.82				220.98	
3861670	6/10/1999	8/9/1999	220.98	220.98				12,068.88	
3872300	6/12/1999	8/11/1999	12068.88	12,068.88				4,123.48	
3874030	6/13/1999	8/12/1999	4123.48	4,123.48				4,892.66	
3874020	6/13/1999	8/12/1999	4892.66	4,892.66				165.62	
3881420	6/16/1999	8/15/1999	165.62	165.62				4,753.28	
3878560	6/16/1999	8/15/1999	4753.28	4,753.28				11,186.27	
3878550	6/16/1999	8/15/1999	11186.27	11,186.27				2,885.90	
3877440	6/16/1999	8/15/1999	2885.90	2,885.90				14,221.18	
3882570	6/18/1999	8/17/1999	14221.18	14,221.18				5,054.76	
3890330	6/23/1999	8/22/1999	5054.76	5,054.76				7,643.46	
3890320	6/23/1999	8/22/1999	7643.46	7,643.46				1,622.41	
3890190	6/25/1999	8/24/1999	1622.41	1,622.41				2,403.08	
3888130	6/25/1999	8/24/1999	2403.08	2,403.08				9,984.56	
3891350	6/27/1999	8/26/1999	9984.56	9,984.56					4,247.99
SC0699	6/30/1999	6/30/1999	4247.99	4,247.99					
3874032	7/14/1999	9/12/1999	-165.62	(165.62)			(165.62)		
SC0799	7/31/1999	7/31/1999	4768.38	4,768.38				4,768.38	
3955330	8/16/1999	10/15/1999	1673.75	1,673.75		1,673.75			
3955510	8/17/1999	10/16/1999	108.39	108.39		108.39			
3955530	8/17/1999	10/16/1999	1809.23	1,809.23		1,809.23			
3955470	8/17/1999	10/16/1999	2058.13	2,058.13		2,058.13			
3956910	8/18/1999	10/17/1999	57.76	57.76		57.76			
3959060	8/19/1999	10/18/1999	6522.42	6,522.42		6,522.42			
3961070	8/20/1999	10/19/1999	12482.69	12,482.69		12,482.69			
3968050	8/25/1999	10/24/1999	5580.03	5,580.03		5,580.03			
3965330	8/25/1999	10/24/1999	1408.93	1,408.93		1,408.93			
3969450	8/28/1999	10/27/1999	172.36	172.36		172.36			
3968810	8/28/1999	10/27/1999	3923.49	3,923.49		3,923.49			
3968800	8/28/1999	10/27/1999	11370.86	11,370.86		11,370.86			
3968290	8/28/1999	10/27/1999	1429.98	1,429.98		1,429.98			
SC0899	8/31/1999	8/31/1999	5169.24	5,169.24			5,169.24		
3976900	8/31/1999	10/30/1999	2549.81	2,549.81		2,549.81			
3978060	9/5/1999	11/4/1999	5964.05	5,964.05		5,964.05			
3977930	9/5/1999	11/4/1999	10000.96	10,000.96		10,000.96			
3982720	9/8/1999	11/7/1999	15518.10	15,518.10		15,518.10			
3981510	9/8/1999	11/7/1999	2762.72	2,762.72		2,762.72			
3985510	9/10/1999	11/9/1999	10143.79	10,143.79		10,143.79			

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## Accounts Receivable Aging Report

Selecting Customers: = 003174  
 Aging Type: DFLT Aged On: Due Date Using Open Items Only Not Using Closing Transactions

As Of: 10/26/1999	Original Amount	Total Balance	Curr Amount	1-30 10/25/1999	31-60 09/25/1999	61-90 08/26/1999	91+ 07/27/1999	
ypReference No	TrmsDate Due Date							
03174	RISCO							
3983690	9/10/1999 11/9/1999	2640.36	2,640.36					
3997240	9/17/1999 11/16/1999	2718.77	2,718.77					
3996120	9/17/1999 11/16/1999	1430.66	1,430.66					
3992560	9/17/1999 11/16/1999	12823.79	12,823.79					
4004610	9/24/1999 11/23/1999	5043.28	5,043.28					
4004540	9/24/1999 11/23/1999	7488.71	7,488.71					
SC0999	9/30/1999 9/30/1999	5423.93	5,423.93	5,423.93				
4011350	9/30/1999 11/29/1999	8040.15	8,040.15					
4011280	9/30/1999 11/29/1999	5603.15	5,603.15					
4008210	10/2/1999 12/1/1999	12103.46	12,103.46					
4014960	10/5/1999 12/4/1999	4095.30	4,095.30					
4008212	10/7/1999 12/6/1999	-1536.13	(1,536.13)					
4020470	10/8/1999 12/7/1999	6552.92	6,552.92					
4022950	10/10/1999 12/9/1999	2216.48	2,216.48					
4022290	10/10/1999 12/9/1999	10541.11	10,541.11					
4022140	10/10/1999 12/9/1999	13902.29	13,902.29					
4028110	10/14/1999 12/13/1999	1251.70	1,251.70					
4030000	10/15/1999 12/14/1999	11369.71	11,369.71					
4033960	10/20/1999 12/19/1999	3759.64	3,759.64					
4032800	10/20/1999 12/19/1999	6696.36	6,696.36					
4029730	10/23/1999 12/22/1999	11819.25	11,819.25					
Totals for:	12/22/1999 Balance:	12.3500000002	774,312.36	192,397.08	37,125.26	5,003.62	117,619.35	422,167.05
	# of Trms:		137.00	30.00	10	2	21	74
Grand Totals	Balance:	774,312.36	774,312.36	192,397.08	37,125.26	5,003.62	117,619.35	422,167.05
	# of Trms:		137	30	10	2	21	74